

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 269 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 3-5-2-25 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 25. "Fiscal body"
5 means:
6 (1) county council, for a county not having a consolidated city;
7 (2) city-county council, for a consolidated city or county having
8 a consolidated city;
9 (3) common council, for a second or third class city;
10 (4) town council, for a town;
11 (5) ~~township board~~, for a township:
12 **(A) the township board, before January 1, 2013; and**
13 **(B) except as provided in IC 36-6-6-1(f) and IC 36-6-6-1(g),**
14 **after December 31, 2012, the:**
15 **(i) township board, for a township in a county having a**
16 **consolidated city; or**
17 **(ii) county fiscal body, for a township in any other**
18 **county; or**
19 (6) governing body or budget approval body, for any other
20 political subdivision.
21 SECTION 2. IC 3-10-1-19, AS AMENDED BY P.L.146-2008,
22 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2009]: Sec. 19. (a) The ballot for a primary election shall be
24 printed in substantially the following form for all the offices for which

1 candidates have qualified under IC 3-8:

2 OFFICIAL PRIMARY BALLOT

3 _____ Party

4 For paper ballots, print: To vote for a person, make a voting mark
5 (X or ✓) on or in the box before the person's name in the proper
6 column. For optical scan ballots, print: To vote for a person, darken or
7 shade in the circle, oval, or square (or draw a line to connect the arrow)
8 that precedes the person's name in the proper column. For optical scan
9 ballots that do not contain a candidate's name, print: To vote for a
10 person, darken or shade in the oval that precedes the number assigned
11 to the person's name in the proper column. For electronic voting
12 systems, print: To vote for a person, touch the screen (or press the
13 button) in the location indicated.

14 Vote for one (1) only

15 Representative in Congress

16 ☐ (1) AB _____

17 ☐ (2) CD _____

18 ☐ (3) EF _____

19 ☐ (4) GH _____

20 (b) The offices with candidates for nomination shall be placed on
21 the primary election ballot in the following order:

22 (1) Federal and state offices:

23 (A) President of the United States.

24 (B) United States Senator.

25 (C) Governor.

26 (D) United States Representative.

27 (2) Legislative offices:

28 (A) State senator.

29 (B) State representative.

30 (3) Circuit offices and county judicial offices:

31 (A) Judge of the circuit court, and unless otherwise specified
32 under IC 33, with each division separate if there is more than
33 one (1) judge of the circuit court.

34 (B) Judge of the superior court, and unless otherwise specified
35 under IC 33, with each division separate if there is more than
36 one (1) judge of the superior court.

37 (C) Judge of the probate court.

38 (D) Judge of the county court, with each division separate, as
39 required by IC 33-30-3-3.

40 (E) Prosecuting attorney.

41 (F) Circuit court clerk.

42 (4) County offices:

43 (A) County auditor.

44 (B) County recorder.

45 (C) County treasurer.

46 (D) County sheriff.

- 1 (E) County coroner.
- 2 (F) County surveyor.
- 3 (G) County assessor.
- 4 (H) County commissioner.
- 5 (I) County council member.
- 6 (5) Township offices:
 - 7 (A) Township assessor (only in a township referred to in
 - 8 IC 36-6-5-1(d)).
 - 9 (B) Township trustee.
 - 10 (C) Township board member. **Except as provided in**
 - 11 **IC 36-6-6-1(f) and IC 36-6-6-1(g), this clause does not**
 - 12 **apply to elections in 2012 and thereafter in a township**
 - 13 **located in a county not having a consolidated city.**
 - 14 (D) Judge of the small claims court.
 - 15 (E) Constable of the small claims court.
- 16 (6) City offices:
 - 17 (A) Mayor.
 - 18 (B) Clerk or clerk-treasurer.
 - 19 (C) Judge of the city court.
 - 20 (D) City-county council member or common council member.
- 21 (7) Town offices:
 - 22 (A) Clerk-treasurer.
 - 23 (B) Judge of the town court.
 - 24 (C) Town council member.
- 25 (c) The political party offices with candidates for election shall be
- 26 placed on the primary election ballot in the following order after the
- 27 offices described in subsection (b):
 - 28 (1) Precinct committeeman.
 - 29 (2) State convention delegate.
- 30 (d) The following offices and public questions shall be placed on the
- 31 primary election ballot in the following order after the offices described
- 32 in subsection (c):
 - 33 (1) School board offices to be elected at the primary election.
 - 34 (2) Other local offices to be elected at the primary election.
 - 35 (3) Local public questions.
- 36 (e) The offices and public questions described in subsection (d)
- 37 shall be placed:
 - 38 (1) in a separate column on the ballot if voting is by paper ballot;
 - 39 (2) after the offices described in subsection (c) in the form
 - 40 specified in IC 3-11-13-11 if voting is by ballot card; or
 - 41 (3) either:
 - 42 (A) on a separate screen for each office or public question; or
 - 43 (B) after the offices described in subsection (c) in the form
 - 44 specified in IC 3-11-14-3.5;
 - 45 if voting is by an electronic voting system.
- 46 (f) A public question shall be placed on the primary election ballot

1 in the following form:

2 (The explanatory text for the public question,
3 if required by law.)

4 "Shall (insert public question)?"

5 ☐ YES

6 ☐ NO

7 SECTION 3. IC 3-10-2-13, AS AMENDED BY P.L.146-2008,
8 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2009]: Sec. 13. (a) The following public officials shall be
10 elected at the general election before their terms of office expire and
11 every four (4) years thereafter:

- 12 (1) Clerk of the circuit court.
- 13 (2) County auditor.
- 14 (3) County recorder.
- 15 (4) County treasurer.
- 16 (5) County sheriff.
- 17 (6) County coroner.
- 18 (7) County surveyor.
- 19 (8) County assessor.
- 20 (9) County commissioner.
- 21 (10) County council member.
- 22 (11) Township trustee.
- 23 (12) Township board member. **Except as provided in**
24 **IC 36-6-6-1(f) and IC 36-6-6-1(g), this subdivision does not**
25 **apply to elections in 2012 and thereafter in a township located**
26 **in a county not having a consolidated city.**
- 27 (13) Township assessor (only in a township referred to in
28 IC 36-6-5-1(d)).
- 29 (14) Judge of a small claims court.
- 30 (15) Constable of a small claims court.

31 **(b) This subsection does not apply to a township in a county**
32 **having a consolidated city. Notwithstanding subsection (a), and**
33 **except as provided in IC 36-6-6-1(f) and IC 36-6-6-1(g), an**
34 **individual elected as a township board member in 2010 shall serve**
35 **a two (2) year term. The term of an individual elected as a**
36 **township board member in 2010 expires January 1, 2013.**

37 SECTION 4. IC 3-11-2-12, AS AMENDED BY P.L.146-2008,
38 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 JULY 1, 2009]: Sec. 12. The following offices shall be placed on the
40 general election ballot in the following order:

- 41 (1) Federal and state offices:
 - 42 (A) President and Vice President of the United States.
 - 43 (B) United States Senator.
 - 44 (C) Governor and lieutenant governor.
 - 45 (D) Secretary of state.
 - 46 (E) Auditor of state.

- 1 (F) Treasurer of state.
- 2 (G) Attorney general.
- 3 (H) Superintendent of public instruction.
- 4 (I) United States Representative.
- 5 (2) Legislative offices:
- 6 (A) State senator.
- 7 (B) State representative.
- 8 (3) Circuit offices and county judicial offices:
- 9 (A) Judge of the circuit court, and unless otherwise specified
- 10 under IC 33, with each division separate if there is more than
- 11 one (1) judge of the circuit court.
- 12 (B) Judge of the superior court, and unless otherwise specified
- 13 under IC 33, with each division separate if there is more than
- 14 one (1) judge of the superior court.
- 15 (C) Judge of the probate court.
- 16 (D) Judge of the county court, with each division separate, as
- 17 required by IC 33-30-3-3.
- 18 (E) Prosecuting attorney.
- 19 (F) Clerk of the circuit court.
- 20 (4) County offices:
- 21 (A) County auditor.
- 22 (B) County recorder.
- 23 (C) County treasurer.
- 24 (D) County sheriff.
- 25 (E) County coroner.
- 26 (F) County surveyor.
- 27 (G) County assessor.
- 28 (H) County commissioner.
- 29 (I) County council member.
- 30 (5) Township offices:
- 31 (A) Township assessor (only in a township referred to in
- 32 IC 36-6-5-1(d)).
- 33 (B) Township trustee.
- 34 (C) Township board member. **Except as provided in**
- 35 **IC 36-6-6-1(f) and IC 36-6-6-1(g), this clause does not**
- 36 **apply to elections in 2012 and thereafter in a township**
- 37 **located in a county not having a consolidated city.**
- 38 (D) Judge of the small claims court.
- 39 (E) Constable of the small claims court.
- 40 (6) City offices:
- 41 (A) Mayor.
- 42 (B) Clerk or clerk-treasurer.
- 43 (C) Judge of the city court.
- 44 (D) City-county council member or common council member.
- 45 (7) Town offices:
- 46 (A) Clerk-treasurer.

(B) Judge of the town court.

(C) Town council member.

SECTION 5. IC 5-11-1-27 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 27. (a) The state board of accounts shall each year prepare a report that includes the following information for each township for the preceding calendar year:**

(1) The population of the township.

(2) The budget, property tax levies, and property tax rates adopted by the township and approved by the department of local government finance.

(3) The assessed valuation in the township used to determine property taxes first due and payable in the preceding calendar year.

(4) The balance in each township fund as of the end of the preceding calendar year.

(5) A summary of the township assistance information submitted by the township trustee under IC 12-20-28-3.

(6) A summary of any statutory compliance issues or exceptions noted by the state board of accounts in its examination report for the township for the preceding calendar year.

(7) A description of any interlocal agreements in effect concerning the township's functions and duties.

(8) A description of any resolutions or petitions concerning the township that were adopted or submitted under IC 36-1.5 (government modernization) during the preceding calendar year.

(9) A description of the property owned or leased by the township.

(b) To the extent that the information required by subsection (a) has not been previously submitted to or certified by the state board of accounts or the department of local government finance, a township shall submit the information to the state board of accounts on a schedule established by the state board of accounts.

(c) The state board of accounts shall do the following before July 1 of each year:

(1) Submit a copy of the report prepared under subsection (a) to the executive director of the legislative services agency in an electronic format under IC 5-14-6.

(2) Submit to the county council of each county a copy of the information compiled in the report for each township within the county.

SECTION 6. IC 6-1.1-17-2, AS AMENDED BY P.L.1-2006, SECTION 135, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 2. (a) When formulating an annual budget estimate, the proper officers of a political subdivision shall**

prepare an estimate of the amount of revenue which the political subdivision will receive from the state for and during the budget year for which the budget is being formulated. These estimated revenues shall be shown in the budget estimate and shall be taken into consideration in calculating the tax levy which is to be made for the ensuing calendar year. However, this section does not apply to funds to be received from the state or the federal government for:

- (1) township assistance;
- (2) unemployment relief;
- (3) old age pensions; or
- (4) other funds which may at any time be made available under "The Economic Security Act" or under any other federal act which provides for civil and public works projects.

(b) When formulating an annual budget estimate, the proper officers of a political subdivision shall prepare an estimate of the amount of revenue that the political subdivision will receive under a development agreement (as defined in IC 36-1-8-9.5) for and during the budget year for which the budget is being formulated. Revenue received under a development agreement may not be used to reduce the political subdivision's maximum levy under IC 6-1.1-18.5 but may be used at the discretion of the political subdivision to reduce the property tax levy of the political subdivision for a particular year.

(c) When formulating an annual budget estimate, the proper officers of a township or (after December 31, 2012, in a county not having a consolidated city and except as provided in IC 36-6-6-1(f) and IC 36-6-6-1(g)) the county fiscal body shall consider:

- (1) the ending balance that will remain in each township fund relative to the budgeted expenditures from the fund; and**
- (2) whether the part of the balance that exceeds ten percent (10%) of budgeted expenditures should be used instead of imposing additional property taxes for the ensuing year.**

SECTION 7. IC 6-1.1-17-3, AS AMENDED BY P.L.146-2008, SECTION 147, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) The proper officers of a political subdivision shall formulate its estimated budget and its proposed tax rate and tax levy on the form prescribed by the department of local government finance and approved by the state board of accounts. The political subdivision shall give notice by publication to taxpayers of:

- (1) the estimated budget;
- (2) the estimated maximum permissible levy;
- (3) the current and proposed tax levies of each fund; and
- (4) the amounts of excessive levy appeals to be requested.

In the notice, the political subdivision shall also state the time and place at which a public hearing will be held on these items. The notice shall be published twice in accordance with IC 5-3-1 with the first

publication at least ten (10) days before the date fixed for the public hearing. Beginning in 2009, the duties required by this subsection must be completed before August 10 of the calendar year. A political subdivision shall provide the estimated budget and levy information required for the notice under subsection (b) to the county auditor on the schedule determined by the department of local government finance.

(b) Beginning in 2010, before October 1 of a calendar year, the county auditor shall mail to the last known address of each person liable for any property taxes, as shown on the tax duplicate, or to the last known address of the most recent owner shown in the transfer book, a statement that includes:

(1) the assessed valuation as of the assessment date in the current calendar year of tangible property on which the person will be liable for property taxes first due and payable in the immediately succeeding calendar year and notice to the person of the opportunity to appeal the assessed valuation under IC 6-1.1-15-1(c) (before July 1, 2008) or IC 6-1.1-15-1 (after June 30, 2008);

(2) the amount of property taxes for which the person will be liable to each political subdivision on the tangible property for taxes first due and payable in the immediately succeeding calendar year, taking into account all factors that affect that liability, including:

(A) the estimated budget and proposed tax rate and tax levy formulated by the political subdivision under subsection (a);

(B) any deductions or exemptions that apply to the assessed valuation of the tangible property;

(C) any credits that apply in the determination of the tax liability; and

(D) the county auditor's best estimate of the effects on the tax liability that might result from actions of:

(i) the county board of tax adjustment; or

(ii) the department of local government finance;

(3) a prominently displayed notation that:

(A) the estimate under subdivision (2) is based on the best information available at the time the statement is mailed; and

(B) based on various factors, including potential actions by:

(i) the county board of tax adjustment; or

(ii) the department of local government finance;

it is possible that the tax liability as finally determined will differ substantially from the estimate;

(4) comparative information showing the amount of property taxes for which the person is liable to each political subdivision on the tangible property for taxes first due and payable in the current year; and

(5) the date, time, and place at which the political subdivision will

1 hold a public hearing on the political subdivision's estimated
 2 budget and proposed tax rate and tax levy as required under
 3 subsection (a).

4 (c) The department of local government finance shall:

5 (1) prescribe a form for; and

6 (2) provide assistance to county auditors in preparing;
 7 statements under subsection (b). Mailing the statement described in
 8 subsection (b) to a mortgagee maintaining an escrow account for a
 9 person who is liable for any property taxes shall not be construed as
 10 compliance with subsection (b).

11 (d) The board of directors of a solid waste management district
 12 established under IC 13-21 or IC 13-9.5-2 (before its repeal) may
 13 conduct the public hearing required under subsection (a):

14 (1) in any county of the solid waste management district; and

15 (2) in accordance with the annual notice of meetings published
 16 under IC 13-21-5-2.

17 (e) The trustee of each township in the county shall estimate the
 18 amount necessary to meet the cost of township assistance in the
 19 township for the ensuing calendar year. The township board **or (after**
 20 **December 31, 2012, in a county not having a consolidated city and**
 21 **except as provided in IC 36-6-6-1(f) and IC 36-6-6-1(g)) the county**
 22 **fiscal body** shall adopt with the township budget a tax rate sufficient
 23 to meet the estimated cost of township assistance. The taxes collected
 24 as a result of the tax rate adopted under this subsection are credited to
 25 the township assistance fund.

26 (f) This subsection expires January 1, 2009. A county shall adopt
 27 with the county budget and the department of local government finance
 28 shall certify under section 16 of this chapter a tax rate sufficient to raise
 29 the levy necessary to pay the following:

30 (1) The cost of child services (as defined in IC 12-19-7-1) of the
 31 county payable from the family and children's fund.

32 (2) The cost of children's psychiatric residential treatment
 33 services (as defined in IC 12-19-7.5-1) of the county payable from
 34 the children's psychiatric residential treatment services fund.

35 A budget, tax rate, or tax levy adopted by a county fiscal body or
 36 approved or modified by a county board of tax adjustment that is less
 37 than the levy necessary to pay the costs described in subdivision (1) or
 38 (2) shall not be treated as a final budget, tax rate, or tax levy under
 39 section 11 of this chapter.

40 SECTION 8. IC 6-1.1-17-16, AS AMENDED BY P.L.146-2008,
 41 SECTION 160, IS AMENDED TO READ AS FOLLOWS
 42 [EFFECTIVE JULY 1, 2009]: Sec. 16. (a) Subject to the limitations
 43 and requirements prescribed in this section, the department of local
 44 government finance may revise, reduce, or increase a political
 45 subdivision's budget by fund, tax rate, or tax levy which the department
 46 reviews under section 8 or 10 of this chapter. **When reviewing a**

budget, tax rate, and tax levy of a township, the department of local government finance shall consider the ending balance that will remain in each fund relative to the budgeted expenditures from the fund and whether the part of the balance that exceeds ten percent (10%) of budgeted expenditures should be used instead of imposing additional property taxes for the ensuing year.

(b) Subject to the limitations and requirements prescribed in this section, the department of local government finance may review, revise, reduce, or increase the budget by fund, tax rate, or tax levy of any of the political subdivisions whose tax rates compose the aggregate tax rate within a political subdivision whose budget, tax rate, or tax levy is the subject of an appeal initiated under this chapter.

(c) Except as provided in subsections (j) and (k), before the department of local government finance reviews, revises, reduces, or increases a political subdivision's budget by fund, tax rate, or tax levy under this section, the department must hold a public hearing on the budget, tax rate, and tax levy. The department of local government finance shall hold the hearing in the county in which the political subdivision is located. The department of local government finance may consider the budgets by fund, tax rates, and tax levies of several political subdivisions at the same public hearing. At least five (5) days before the date fixed for a public hearing, the department of local government finance shall give notice of the time and place of the hearing and of the budgets by fund, levies, and tax rates to be considered at the hearing. The department of local government finance shall publish the notice in two (2) newspapers of general circulation published in the county. However, if only one (1) newspaper of general circulation is published in the county, the department of local government finance shall publish the notice in that newspaper.

(d) Except as provided in subsection (i), IC 20-46, or IC 6-1.1-18.5, the department of local government finance may not increase a political subdivision's budget by fund, tax rate, or tax levy to an amount which exceeds the amount originally fixed by the political subdivision. However, if the department of local government finance determines that IC 5-3-1-2.3(b) applies to the tax rate, tax levy, or budget of the political subdivision, the maximum amount by which the department may increase the tax rate, tax levy, or budget is the amount originally fixed by the political subdivision, and not the amount that was incorrectly published or omitted in the notice described in IC 5-3-1-2.3(b). The department of local government finance shall give the political subdivision written notification specifying any revision, reduction, or increase the department proposes in a political subdivision's tax levy or tax rate. The political subdivision has two (2) weeks from the date the political subdivision receives the notice to provide a written response to the department of local government finance's Indianapolis office. The response may include budget

1 reductions, reallocation of levies, a revision in the amount of
 2 miscellaneous revenues, and further review of any other item about
 3 which, in the view of the political subdivision, the department is in
 4 error. The department of local government finance shall consider the
 5 adjustments as specified in the political subdivision's response if the
 6 response is provided as required by this subsection and shall deliver a
 7 final decision to the political subdivision.

8 (e) The department of local government finance may not approve a
 9 levy for lease payments by a city, town, county, library, or school
 10 corporation if the lease payments are payable to a building corporation
 11 for use by the building corporation for debt service on bonds and if:

- 12 (1) no bonds of the building corporation are outstanding; or
- 13 (2) the building corporation has enough legally available funds on
- 14 hand to redeem all outstanding bonds payable from the particular
- 15 lease rental levy requested.

16 (f) The department of local government finance shall certify its
 17 action to:

- 18 (1) the county auditor;
- 19 (2) the political subdivision if the department acts pursuant to an
- 20 appeal initiated by the political subdivision;
- 21 (3) the taxpayer that initiated an appeal under section 13 of this
- 22 chapter, or, if the appeal was initiated by multiple taxpayers, the
- 23 first ten (10) taxpayers whose names appear on the statement filed
- 24 to initiate the appeal; and
- 25 (4) a taxpayer that owns property that represents at least ten
- 26 percent (10%) of the taxable assessed valuation in the political
- 27 subdivision.

28 (g) The following may petition for judicial review of the final
 29 determination of the department of local government finance under
 30 subsection (f):

- 31 (1) If the department acts under an appeal initiated by a political
- 32 subdivision, the political subdivision.
- 33 (2) If the department:
- 34 (A) acts under an appeal initiated by one (1) or more taxpayers
- 35 under section 13 of this chapter; or
- 36 (B) fails to act on the appeal before the department certifies its
- 37 action under subsection (f);
- 38 a taxpayer who signed the statement filed to initiate the appeal.
- 39 (3) If the department acts under an appeal initiated by the county
- 40 auditor under section 14 of this chapter, the county auditor.
- 41 (4) A taxpayer that owns property that represents at least ten
- 42 percent (10%) of the taxable assessed valuation in the political
- 43 subdivision.

44 The petition must be filed in the tax court not more than forty-five (45)
 45 days after the department certifies its action under subsection (f).

46 (h) The department of local government finance is expressly

1 directed to complete the duties assigned to it under this section not later
2 than February 15th of each year for taxes to be collected during that
3 year.

4 (i) Subject to the provisions of all applicable statutes, the
5 department of local government finance may increase a political
6 subdivision's tax levy to an amount that exceeds the amount originally
7 fixed by the political subdivision if the increase is:

8 (1) requested in writing by the officers of the political
9 subdivision;

10 (2) either:

11 (A) based on information first obtained by the political
12 subdivision after the public hearing under section 3 of this
13 chapter; or

14 (B) results from an inadvertent mathematical error made in
15 determining the levy; and

16 (3) published by the political subdivision according to a notice
17 provided by the department.

18 (j) The department of local government finance shall annually
19 review the budget by fund of each school corporation not later than
20 April 1. The department of local government finance shall give the
21 school corporation written notification specifying any revision,
22 reduction, or increase the department proposes in the school
23 corporation's budget by fund. A public hearing is not required in
24 connection with this review of the budget.

25 (k) The department of local government finance may hold a hearing
26 under subsection (c) only if the notice required in section 12 of this
27 chapter is published at least ten (10) days before the date of the
28 hearing."

29 Page 6, between lines 15 and 16, begin a new paragraph and insert:

30 "SECTION 17. IC 13-11-2-86 IS AMENDED TO READ AS
31 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 86. "Fiscal body"
32 means:

33 (1) the county council, for a county not having a consolidated city;

34 (2) the city-county council of a consolidated city and county;

35 (3) the common council of a city;

36 (4) the town council of a town;

37 (5) ~~the township board, or~~ for a township:

38 (A) **the township board, before January 1, 2013; and**

39 (B) **except as provided in IC 36-6-6-1(f) and IC 36-6-6-1(g),**
40 **after December 31, 2012, the:**

41 (i) **township board, for a township in a county having a**
42 **consolidated city; or**

43 (ii) **county fiscal body, for a township in any other**
44 **county; or**

45 (6) the board of directors of a conservancy district."

46 Page 8, between lines 2 and 3, begin a new paragraph and insert:

"SECTION 21. IC 36-1-2-6, AS AMENDED BY P.L.186-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. "Fiscal body" means:

- (1) county council, for a county not having a consolidated city;
- (2) city-county council, for a consolidated city or county having a consolidated city;
- (3) common council, for a city other than a consolidated city;
- (4) town council, for a town;
- (5) ~~township board~~, for a township:

(A) the township board, before January 1, 2013; and

(B) except as provided in IC 36-6-6-1(f) and IC 36-6-6-1(g), after December 31, 2012, the:

(i) township board, for a township in a county having a consolidated city; or

(ii) county fiscal body, for a township in any other county;

(6) governing body or budget approval body, for any other political subdivision that has a governing body or budget approval body; or

(7) chief executive officer of any other political subdivision that does not have a governing body or budget approval body.

SECTION 22. IC 36-1-2-9, AS AMENDED BY P.L.186-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9. "Legislative body" means: ~~the~~

(1) ~~the~~ board of county commissioners, for a county not subject to IC 36-2-3.5 or IC 36-3-1;

(2) ~~the~~ county council, for a county subject to IC 36-2-3.5;

(3) ~~the~~ city-county council, for a consolidated city or county having a consolidated city;

(4) ~~the~~ common council, for a city other than a consolidated city;

(5) ~~the~~ town council, for a town;

(6) ~~township board~~, for a township:

(A) the township board, before January 1, 2013; and

(B) except as provided in IC 36-6-6-1(f) and IC 36-6-6-1(g), after December 31, 2012, the:

(i) township board, for a township in a county having a consolidated city; or

(ii) county fiscal body, for a township in any other county;

(7) ~~the~~ governing body of any other political subdivision that has a governing body; or

(8) ~~the~~ chief executive officer of any other political subdivision that does not have a governing body.

SECTION 23. IC 36-1-8-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 17. (a) Each township office must include the address,

1 **phone number, and regular office hours (if any) of the township**
 2 **office in at least one (1) local telephone directory.**

3 **(b) A public meeting or a public hearing of a township official**
 4 **or governing body may not be held in a private residence.**

5 SECTION 24. IC 36-6-4-12 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. (a) At the annual
 7 meeting of the township legislative body under IC 36-6-6-9 the
 8 executive shall present a complete report of all receipts and
 9 expenditures of the preceding calendar year, including the balance to
 10 the credit of each fund controlled by the executive. If the executive
 11 controls any money that is not included in a particular fund, then the
 12 executive shall state all the facts concerning that money in the report.

13 (b) Each item of expenditure must be accompanied by the verified
 14 voucher of the person to whom the sum was paid, stating:

- 15 (1) why the payment was made;
- 16 (2) that the receipt is for the exact sum received;
- 17 (3) that no part of the sum has been retained by the executive; and
- 18 (4) that no part of the sum has been or is to be returned to the
- 19 executive or any other person.

20 The executive may administer oaths to persons giving these receipts.

21 **(c) The report must separately list each expenditure that is**
 22 **made to reimburse the executive for the executive's use of personal**
 23 **property for public business, including any reimbursements made**
 24 **for the executive's use of a private residence, a personal telephone,**
 25 **or a personal vehicle for public business.**

26 ~~(c)~~ (d) The executive shall swear or affirm that:

- 27 (1) the report shows all sums received by him;
- 28 (2) the expenditures credited have been fully paid in the sums
- 29 stated, without express or implied agreement that any part of the
- 30 sums is to be retained by or returned to the executive or any other
- 31 person; and
- 32 (3) the executive has received no money or other property in
- 33 consideration of any contract entered into on behalf of the
- 34 township.

35 ~~(d)~~ (e) Within ten (10) days after the legislative body's action under
 36 IC 36-6-6-9, the executive shall file a copy of the report and its
 37 accompanying vouchers, as adopted by the legislative body, in the
 38 county auditor's office. The legislative body may, for the benefit of the
 39 township, bring a civil action against the executive if the executive fails
 40 to file the report within ten (10) days after the legislative body's action.
 41 The legislative body may recover five dollars (\$5) for each day beyond
 42 the time limit for filing the report, until the report is filed.

43 SECTION 25. IC 36-6-6-1 IS AMENDED TO READ AS
 44 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) This chapter
 45 applies to all townships.

46 **(b) Except as provided in subsections (f) and (g), on January 1,**

1 **2013, the township boards in each county not having a consolidated**
 2 **city are abolished.**

3 **(c) Except as provided in subsections (f) and (g), after December**
 4 **31, 2012, in a county not having a consolidated city:**

5 **(1) the county fiscal body is the fiscal body and legislative**
 6 **body of each township in the county; and**

7 **(2) the county fiscal body shall exercise the legislative and**
 8 **fiscal powers assigned in the Indiana Code to township**
 9 **boards, including the authority to adopt the township's annual**
 10 **budget and to levy township property taxes for township**
 11 **funds.**

12 **(d) The abolishment of a township board under subsection (b)**
 13 **does not invalidate:**

14 **(1) any resolutions, fees, schedules, or other actions adopted**
 15 **or taken by the township board before January 1, 2013; or**

16 **(2) any appointments made by the township board before**
 17 **January 1, 2013.**

18 **(e) In a county in which a township board is abolished under**
 19 **subsection (b), after December 31, 2012, any reference:**

20 **(1) in the Indiana Code;**

21 **(2) in the Indiana Administrative Code; or**

22 **(3) in any resolution;**

23 **to the township board shall be considered a reference to the county**
 24 **fiscal body.**

25 **(f) Subsection (g) applies only to a township:**

26 **(1) that has, before July 1, 2009, adopted a resolution**
 27 **initiating a proposed reorganization under IC 36-1.5 involving**
 28 **the township;**

29 **(2) that is named in a resolution adopted under IC 36-1.5**
 30 **before July 1, 2009, initiating a proposed reorganization**
 31 **involving the township; or**

32 **(3) that is named in a petition submitted under IC 36-1.5**
 33 **before July 1, 2009, concerning a proposed reorganization**
 34 **involving the township.**

35 **(g) Notwithstanding any other law, the following apply to a**
 36 **township to which this subsection applies:**

37 **(1) The township board remains in existence and retains its**
 38 **powers and duties until the effective date of a reorganization**
 39 **plan that is approved under IC 36-1.5 and that includes the**
 40 **township.**

41 **(2) If the township board adopts a resolution declining to**
 42 **participate in the proposed reorganization, or if the**
 43 **reorganization is otherwise terminated, the township board is**
 44 **abolished on the later of:**

45 **(A) January 1, 2013; or**

46 **(B) January 1 of the year following the year in which the**
 47 **resolution declining to participate in the proposed**

1 reorganization is adopted or the reorganization is
2 otherwise terminated.

3 (3) If the proposed reorganization is not completed before
4 January 1, 2017, the township board is abolished on that day.

5 SECTION 26. IC 36-6-9 IS ADDED TO THE INDIANA CODE AS
6 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
7 1, 2009]:

8 **Chapter 9. Employment of Relatives**

9 **Sec. 1. This section does not apply to an individual who:**

- 10 (1) is a contractor or employed by a contractor, for the design
- 11 or construction of a township public works project;
- 12 (2) is a vendor or employed by a vendor for a township
- 13 purchase of supplies;
- 14 (3) is a vendor or employed by a vendor for a township
- 15 purchase of mowing services, or property maintenance
- 16 services; or
- 17 (4) is a member of a paid fire department or a volunteer fire
- 18 department that renders fire protection services to the
- 19 township.

20 **Sec. 2. (a) As used in this chapter, "relative" means:**

- 21 (1) a husband;
- 22 (2) a wife;
- 23 (3) a father, grandfather, or stepfather;
- 24 (4) a mother, grandmother, or stepmother;
- 25 (5) a son, grandson, stepson, or son-in-law;
- 26 (6) a daughter, granddaughter, stepdaughter, or
- 27 daughter-in-law;
- 28 (7) a brother or stepbrother;
- 29 (8) a sister or stepsister;
- 30 (9) an aunt;
- 31 (10) an uncle;
- 32 (11) a niece;
- 33 (12) a nephew; or
- 34 (13) a first cousin.

35 (b) A relative by adoption, half-blood, marriage, or remarriage
36 shall be treated as a relative of whole kinship.

37 **Sec. 3. An individual who is a relative of a township officer or**
38 **employee may not be employed by the township in a position in**
39 **which the individual would have a direct supervisory or**
40 **subordinate relationship with the officer or employee who is the**
41 **individual's relative.**

42 **Sec. 4. A township employee who marries another township**
43 **employee or officer may not continue to be employed in the same**
44 **position the employee held before the marriage if the employee**
45 **would have a direct supervisory or subordinate relationship with**
46 **the employee's spouse.**

47 **Sec. 5. This chapter does not require the termination or**

1 **reassignment of any employee of a township from any position held**
2 **by that individual before July 1, 2009. This section expires January**
3 **1, 2011."**

4 Renumber all SECTIONS consecutively.
 (Reference is to ESB 269 as printed March 27, 2009.)

Representative Torr